

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In the Matter of the Application of

MOBILITIE, LLC

**For a Certificate of Public Convenience and Necessity
to Provide Resold and Facilities-Based Local Exchange
and Interexchange Telecommunications Services in the
State of South Carolina, and for Flexible Regulation**

Docket No. _____

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT C AS TRADE SECRET**

Mobilitie, LLC (“Mobilitie” or “Applicant”), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and 26 S.C. Code Ann. Regs. 103-804(S)(2), hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, Mobilitie seeks protective treatment by the South Carolina Public Service Commission (“Commission”) of certain commercially-sensitive financial information attached as **Exhibit C**, filed as Trade Secret to Mobilitie’s Application for Authority to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services. Because this Motion is an inseparable part of Mobilitie’s Application, it is being filed concurrently therewith.

In support of this Motion, Applicant provides the following:

In support of its application, Mobilitie respectfully submits as follows:

1. The legal name, address, telephone and fax number of the Applicant are:

Mobilitie, LLC
660 Newport Center Drive
Suite 200
Newport Beach, CA, 92660
Telephone: (949) 999-4554
Fax: (949) 719-2716

2. All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

John J. Pringle
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with copies to:

John C. Dodge
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.
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I. Description of Confidential Information

The Application requires Mobilitie to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Mobilitie is submitting copies of its balance sheet for the years ending December 31, 2008 and December 31, 2009 and its Statement of Operations for years ended December 31, 2008 and December 31, 2009. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Mobilitie's competitive position in South Carolina and in other states where Mobilitie is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Mobilitie in **Exhibit C** of its Application fits squarely within the definition of a “trade secret” under the South Carolina Trade Secrets Act.¹ As a privately-held company, Mobilitie’s financial qualifications are not readily ascertainable. Mobilitie currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Mobilitie because the disclosure of such information would harm Mobilitie’s ability to compete in the provision of advanced telecommunications services in South Carolina. Mobilitie is not a public entity and its financial and business information is uniquely sensitive.

Mobilitie takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Mobilitie takes reasonable steps to guard this information internally as well. Its disclosure is limited to Mobilitie’s senior officers, Mobilitie’s counsel and employees of the company who are directly involved with Mobilitie’s financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped “confidential” and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

III. Conclusion

The financial information included in support of Mobilitie’s Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Mobilitie would suffer substantial direct harm if such information is made publicly available. The harm

¹ A “trade secret” is defined in S.C. Code § 39-8-20(5)(a) as information that “(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

that would result from public disclosure of Mobilitie's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Mobilitie to make its financial information publicly available. For the foregoing reasons, the financial information included in Exhibit C should be protected from public disclosure by the Commission.

Mobilitie clarifies that its request for protection applies only to the financial information contained in **Exhibit C** to the Application. Mobilitie is not seeking protection of any type by means of this Motion for those reports Mobilitie will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

WHEREFORE, Mobilitie respectfully requests that the information contained in Exhibit C of Mobilitie's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

MOBILITIE, LLC

s/ John J. Pringle, Jr.

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October 20, 2010
Columbia, South Carolina